

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

DR. GWIN ANDERSON,

Plaintiff,

V.

Case No.: 1:23-cv-01047-JDB-jay

STATE AUTOMOBILE MUTUAL  
INSURANCE COMPANY, R.L. YOUNG,  
LLC, and ENGLE MARTIN &  
ASSOCIATES, LLC,

Defendants.

ORDER DENYING PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME TO SERVE  
PROCESS

Before the Court is the May 18, 2023, motion by Plaintiff, Dr. Gwin Anderson, to extend time to serve process upon Chris Williamson and Matthew Buckner. (Docket Entry “D.E.” 34.) Specifically, Plaintiff requests the extension because the summons inadvertently omitted Williamson and Buckner. (*Id.*) In the body of his complaint, Plaintiff references “Chris Williams” and “Matt Buckner” as consultants employed by the Defendant, R.L. Young, LLC. (D.E. 1-1 at PageID 14-15, 20-21.)<sup>1</sup> He fails, however, to name either individual in the caption of the complaint or reference them as defendants in the body of the complaint. (*Id.* at PageID 13-21.)

Rule 10(a) of the Federal Rules of Civil Procedure is clear that “[t]he title of the complaint must name all the parties . . . .” Fed. R. Civ. P. 10(a). If Plaintiff desires to amend his complaint to add additional defendants, he must do so in accordance with Rule 15, Federal Rules of Civil

<sup>1</sup> In his motion, Plaintiff identifies “Chris Williamson” as the individual whom he seeks to serve while in the complaint he names “Chris Williams.”

Procedure. *See Grady v. Madison Cnty.*, No. 119CV01153STATMP, 2020 WL 3036891, at \*7 (W.D. Tenn. June 5, 2020) (allowing the next friend of a child to amend the complaint with the addition of parties omitted in the complaint’s caption); *Crisp v. Caruso*, No. 14-CV-14132, 2015 WL 9489605, at \*2 (E.D. Mich. Dec. 30, 2015) (citing *Green v. G2 Secure Staff, LLC*, No. 07-409-C, 2008 WL 782612, at \*2 (W.D. Ky. Mar. 21, 2008)) (“When a party names an individual in the body of his complaint but fails to name that individual in the caption of the complaint, the way to correct that error is to file an amended complaint.”)

Plaintiff’s motion to extend time to serve process is therefore DENIED as there are no defendants named by the Plaintiff who need to be served.

IT IS SO ORDERED this 31st day of May 2023.

s/ J. DANIEL BREEN  
UNITED STATES DISTRICT JUDGE